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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,298	05/25/2001	Yasushi Usami	0052/048001	2776

22893 7590 11/24/2004

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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,298

Applicant(s)

USAMI, YASUSHI

Examiner

Mark R. Milia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/25/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 9 element (ST185). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Page 1, paragraph 3, line 5, "resistors" should read "registers". Page 8, paragraph 3, line 4 "sub-memory (11)" should read "sub-memory (15)". Page 9, paragraph 1, line 1 "sub-memory (11)" should read "sub-memory (15)". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and ~~10~~-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6017157 to Garfinkle et al. as cited on Information Disclosure Statement dated May 25, 2001.

Regarding claim 1, Garfinkle discloses an image data administration apparatus comprising: a data communication unit connected to at least one terminal equipment of a customer and at least one photographic printer via a network (see Figs. 1 and 6 and column 2 line 57-column 3 line 19, reference teaches a photographer which is analogous to the customer in the claimed element), an image data memory for memorizing a plurality of image data with respect to each customer transmitted from the terminal equipment (see Fig. 1 and column 3 line 56-column 4 line 15), an image information memory for memorizing at least one information attached and transmitted with each image data (see column 3 line 56-column 4 line 15 and column 4 lines 55-67), an image data selector for selecting all image data having a specific information among the image data memorized in the image data memory when the specific information transmitted from the terminal equipment of the customer is received (see column 4 line 55-column 5 line 29), and an index image data processor for forming an index image data in which a plurality of thumbnail images corresponding to the image data selected by the image data selector or selected by the customer are arranged in a predetermined order and for outputting the index image data via the data communication unit to at least one of the terminal equipment of the customer and the photographic printer (see column

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4 line 55-column 5 line 40, column 7 lines 4-24 and 43-52, column 9 lines 1-5 and 14-25, column 9 line 42-column 10 line 8, and column 10 lines 16-21).

Regarding claim 6, Garfinkle discloses an image data administration system comprising an image data administration apparatus, at least one photographic printer and a network for communicating the image data administration apparatus and the photographic printer to at least one terminal equipment of a customer, wherein the image data administration apparatus further comprises: a first data communication unit connected to the network so as to communicate with the terminal equipment and the photographic printer (see Figs. 1 and 6 and column 2 line 57-column 3 line 19), an image data memory for memorizing a plurality of image data with respect to each customer transmitted from the terminal equipment (see Fig. 1 and column 3 line 56-column 4 line 15), an image information memory for memorizing at least one information attached and transmitted with each image data (see column 3 line 56-column 4 line 15 and column 4 lines 55-67), a first image data selector for selecting first image data having a specific information among the image data memorized in the image data memory when the specific information transmitted from the terminal equipment of the customer is received (see column 3 line 56-column 4 line 15 and column 4 lines 55-67), a first index image data processor for forming a first index image data in which a plurality of thumbnail images corresponding to the first image data are arranged in a predetermined order and for outputting the first index image data to the terminal equipment of the customer via the first data communication unit (see column 5 lines 1-40, column 6 line 56-column 7 line 3, and column 8 lines 8-37), a second image data

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selector secondary for selecting at least one image data among the image data having the specific information corresponding to a selection data transmitted from the terminal equipment of the customer (see column 9 line 42-column 10 line 8 and column 10 lines 16-21), and a second index image data processor for renewing the first index image data corresponding to the selection by the customer with using secondary selected image data and for outputting renewed index image data to the terminal equipment of the customer (see column 8 lines 8-37 and column 9 lines 1-5), and a print order processor for forming a print order file including instructions to a photographic printer which is instructed by the customer and for transmitting the image data and the renewed index image data with the print order file and for outputting them to the photographic printer via the first data communication unit when the second index image data are confirmed by the customer (see column 9 lines 14-41 and column 10 lines 16-21), the photographic printer further comprises: a second data communication unit for receiving the image data and the renewed index image data with the print order file from the image data administration apparatus (see Fig. 1 and column 9 line 42-column 10 line 8), an exposing unit for exposing a sensitized surface of a photographic paper by using the image data and the index image data (see column 8 lines 8-37 and column 10 lines 9-27), and a developing unit for developing the exposed photographic paper for printing photographic prints corresponding to the image data and for printing an index print corresponding to the index image data (see column 8 lines 8-37 and column 10 lines 9-27).

Regarding claim 11, Garfinkle discloses a method for administrating image data comprising the steps of: memorizing image data into a specific folder in an image data memory of an image data administration apparatus corresponding to a customer's ID attached with each image data, when the image data are transmitted from a terminal equipment of a customer communicated with the image data administration apparatus via a network (see Fig. 1, column 3 line 56-column 4 line 15, column 4 lines 55-67, and column 9 lines 1-5), memorizing at least one information attached and transmitted with each image data into a specific folder in an image information memory of the image data administration apparatus (see column 3 line 56-column 4 line 15), selecting all image data having a specific information among the image data memorized in the image data memory when the specific information is transmitted from the terminal equipment of the customer (see column 4 lines 2-15 and 55-67 and column 7 lines 61-67), forming an index image data in which a plurality of thumbnail images corresponding to the selected image data are arranged in a predetermined order (see column 5 lines 1-40 and column 6 line 56-column 7 line 24), and outputting the index image data to at least one of the terminal equipment of the customer and a photographic printer (see column 5 lines 1-40, column 6 line 56-column 7 line 24, and column 8 lines 8-37).

Regarding claim 16, Garfinkle discloses a program for administrating image data comprising the steps of: receiving at least one image data and at least one information attached with each image data which are transmitted from a terminal equipment of a customer via a network (see Figs. 1 and 6, column 2 line 57-column 3 line 19, column 3 lines 44-55, and column 4 lines 43-47), memorizing the image data into a specific folder

in an image data memory corresponding to a customer's ID attached with each image data (see column 3 line 56-column 4 line 15, column 4 lines 55-67, column 7 lines 61-67, and column 9 lines 1-5), memorizing the information into a specific folder in an image information memory (see column 7 lines 61-67), receiving a specific information transmitted from the terminal equipment of the customer (see column 5 lines 1-29, column 7 lines 4-60, and column 9 line 42-column 10 line 8), selecting all the image data having the specific information among the image data memorized in the image data memory (see column 3 line 56-column 4 line 15, column 4 lines 55-67, and column 5 lines 1-7), forming an index image data in which a plurality of thumbnail images corresponding to the selected image data are arranged in a predetermined order (see column 5 lines 1-29, column 6 line 56-column 7 line 24, and column 7 lines 43-60), and outputting the index image data to the terminal equipment of the customer (see column 5 lines 1-29, column 6 line 56-column 7 line 24, column 7 lines 43-60, and column 8 lines 8-37).

Regarding claim 20, Garfinkle discloses a recording medium recording a program for administrating image data, wherein the program comprising the steps of: receiving at least one image data and at least one information attached with each image data which are transmitted from a terminal equipment of a customer via a network (see Figs. 1 and 6, column 2 line 57-column 3 line 19, column 3 lines 44-55, and column 4 lines 43-47), memorizing the image data into a specific folder in an image data memory corresponding to a customer's ID attached with each image data (see column 3 line 56-column 4 line 15, column 4 lines 55-67, column 7 lines 61-67, and column 9 lines 1-5),

memorizing the information into a specific folder in an image information memory (see column 7 lines 61-67), receiving a specific information transmitted from the terminal equipment of the customer (see column 5 lines 1-29, column 7 lines 4-60, and column 9 line 42-column 10 line 8), selecting all the image data having the specific information among the image data memorized in the image data memory (see column 3 line 56-column 4 line 15, column 4 lines 55-67, and column 5 lines 1-7), forming an index image data in which a plurality of thumbnail images corresponding to the selected image data are arranged in a predetermined order (see column 5 lines 1-29, column 6 line 56-column 7 line 24, and column 7 lines 43-60), and outputting the index image data to the terminal equipment of the customer (see column 5 lines 1-29, column 6 line 56-column 7 line 24, column 7 lines 43-60, and column 8 lines 8-37).

Regarding claims 2 and 12, Garfinkle discloses the system discussed in claims 1 and 11, and further discloses a print order processor for forming a print order file including instructions to a photographic printer which is instructed by the customer and for transmitting the image data and the index image data with the print order file so as to print photographic prints corresponding to the image data and an index print corresponding to the index image data (see column 7 lines 4-24 and 42-52, column 8 lines 8-37, and column 9 lines 14-25).

Regarding claims 3, 10, and 13, Garfinkle discloses the system discussed in claims 1, 6, and 11, and further discloses wherein the information attached with each image data includes at least one of a predetermined date information with respect to a

date at which the image data is taken and a predetermined object information with respect to an object in the image (see column 4 lines 55-67).

Regarding claims 4 and 14, Garfinkle discloses the system discussed in claims 1 and 11, and further discloses wherein the image data selector further has a function secondary for selecting at least one image data among the image data having the specific information corresponding to a selection by the customer when the data communication unit further receives an instruction data corresponding to the selection from the terminal equipment of the customer (see column 5 lines 1-40), and the index image data processor renews the index image data corresponding to the selection by the customer with using secondary selected image data and outputs renewed index image data to the terminal equipment of the customer (see column 6 line 56-column 7 line 3 and column 7 lines 4-52).

Regarding claim 5, Garfinkle discloses the system discussed in claim 4, and further discloses a print order processor for forming a print order file including instructions to a photographic printer which is instructed by the customer and for transmitting the image data and the renewed index image data with the print order file so as to print photographic prints corresponding to the image data and an index print corresponding to the index image data (see column 7 lines 4-24 and 42-52, column 8 lines 8-37, and column 9 lines 14-25).

Regarding claim 7, Garfinkle discloses the system discussed in claim 6, and further discloses wherein the terminal equipment of the customer has a monitor display, and a data communication unit of the image data administration apparatus transmits the

index image data to the terminal equipment of the customer to be displayed on the monitor display (see Figs. 1 and 6, column 5 lines 1-40, column 6 line 56-column 7 line 3, and column 7 lines 4-60).

Regarding claim 15, Garfinkle discloses the system discussed in claim 14, and further discloses forming a print order file including instructions to a photographic printer which is instructed by the customer when a confirming data for confirming the renewed index image data by the customer is received (see column 7 lines 25-60), and transmitting the image data corresponding to the images included in the renewed index image data and the renewed index image data with the print order file to the photographic printer so as to print photographic prints corresponding to the image data and an index print corresponding to the index image data (see column 8 lines 8-37 and column 9 lines 1-5 and 14-25).

Regarding claims 17 and 21, Garfinkle discloses the system discussed in claims 16 and 20, and further discloses the steps of: receiving a instruction data including confirmation of change of the index image data transmitted from the terminal equipment of the customer (see column 6 line 56-column 7 line 3), selecting at least one image data among the image data having the specific information corresponding to the instruction data (see column 5 lines 1-35, column 7 lines 4-60, and column 8 lines 8-37), renewing the index image data corresponding to the instruction data by the customer with using secondary selected image data (see column 7 lines 4-42), and outputting the renewed index image data to the terminal equipment of the customer (see column 7 lines 43-60).

Regarding claims 18 and 22, Garfinkle discloses the system discussed in claims 16 and 20, and further discloses the steps of: receiving a instruction data including confirmation with respect to the index image data and order with respect to printing of photographic prints from the terminal equipment of the customer (see column 9 lines 14-41), forming a print order file including instructions to a photographic printer corresponding to the instruction data and transmitting the image data and the index image data with the print order file to the photographic printer so as to print photographic prints corresponding to the image data and an index print corresponding to the index image data (see column 7 lines 4-24 and 42-52, column 8 lines 8-37, and column 9 lines 14-25).

Regarding claims 19 and 23, Garfinkle discloses the system discussed in claims 16 and 20, and further discloses the steps of: receiving a instruction data including confirmation or change with respect to the index image data from the terminal equipment of the customer (see column 7 lines 4-42), selecting at least one image data among the image data having the specific information corresponding to the instruction data (see column 7 lines 43-60), renewing the index image data corresponding to the instruction data by the customer with using secondary selected image data (see column 6 line 56-column 7 line 3, column 7 lines 4-60, and column 9 lines 1-5), forming a print order file including instructions to a photographic printer corresponding to the instruction data (see column 7 lines 4-60 and column 9 lines 14-41), and transmitting the image data and the index image data with the print order file to the photographic printer so as to print photographic prints corresponding to the image data and an index print

corresponding to the index image data (see column 7 lines 14-41 and column 8 lines 8-37).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle as applied to claim 6 above, and further in view of U.S. Patent No. 4816864 to Tanaka et al.

Garfinkle discloses (*claim 8*) a photographic printer (see Fig. 6) and (*claim 9*) wherein the terminal equipment of the customer has a monitor display (see Figs. 1, 6, 8, and 9c).

Garfinkle does not disclose expressly (*claim 8*) wherein the photographic printer further comprises a control unit for calculating forecasted termination time when all the photographic prints instructed in the print order file will be completed, and the second data communication unit transmits the forecasted termination time to the first data communication unit of the image data administration apparatus and (*claim 9*) the first data communication unit of the image data administration apparatus re-transmits the calculating forecasted termination time to the terminal equipment of the customer to be displayed on the monitor display.

Tanaka discloses (*claim 8*) a control unit for calculating forecasted termination time when all the photographic prints instructed in the print order file will be completed, and the second data communication unit transmits the forecasted termination time to the first data communication unit of the image data administration apparatus (see Fig. 7, column 14 line 65-column 15 line 37, and column 16 lines 8-16) and (*claim 9*) the first data communication unit of the image data administration apparatus re-transmits the calculating forecasted termination time to the terminal equipment of the customer to be displayed on the monitor display (see Fig. 7, column 14 line 65-column 15 line 37, and column 16 lines 8-16).

Garfinkle & Tanaka are combinable because they are from the same field of endeavor, printing images with increased user convenience.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the forecasting of completion time of Tanaka with the system of Garfinkle.

The suggestion/motivation for doing so would have been to provide a user with a forecasted completion time of printed images to increase productivity and provide greater operator support.

Therefore, it would have been obvious to combine Tanaka with Garfinkle to obtain the invention as specified in claims 8 and 9.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show state of the art refer to U.S. Patent numbers

5512396 (Hicks), 5680223 (Cooper et al.), 6198526 (Ohtsuka), 6321231 (Jebens et al.), 6324545 (Morag), 6445822 (Crill et al.), 6493108 (Hirai), 6515765 (Umebayashi), 6590586 (Swenton-Wall et al.), 6788425 (Ohtsuka et al.), 6798531 Paz-Pujalt et al.), and 6819397 (Kuhara).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:00pm.

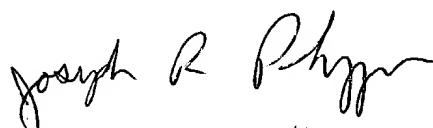
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
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